

**Raleigh Board of Adjustment
Decisions
February 13, 2017**

A-16-17, WHEREAS, Duke University, Duke University Health System, LLC, Impact Real Estate, LLC, and Shanley, LLC, property owners, request an 8'3" height variance to allow for the construction of an elevator penthouse in excess of the 12' height encroachment allowed above the roof, a 1'10" height variance to allow for the installation of mechanical equipment in excess of the 12' height encroachment allowed above the roof and a 10' variance to allow a stairwell bulkhead to be located at the building edge instead of recessed inward 10' as required by Section 1.5.7.D.3. of the Unified Development Ordinance as well as a 1-story/4'7" increase in the overall building height allowed by Section 3.3.2.A. of the Unified Development Ordinance that results in an elevator penthouse that is 20'3" above the roof and an overall elevator structure height of 79'7", mechanical equipment that is 13'10" above the roof and a stairwell bulkhead located at the building edge on a 16.07 acre site zoned Office Mixed Use-5-Parking Limited Conditional Use and located at 3300 and 3320 Wake Forest Road.

Decision: Approved as requested.

A-17-17, WHEREAS, Marcus and Carrie Ward, property owners, request a 7.5' rear yard setback variance pursuant to Section 2.2.1 of the Unified Development Ordinance to expand the existing detached house to the rear resulting in a 22.5' rear yard setback on a .21 acre property zoned Residential-4 and located at 2804 Crofton Springs Drive.

Decision: Approved as requested.

A-18-17, WHEREAS, Charles Thomas and Deborah McGhee, trustees/, property owners, request a special use permit pursuant to Sections 6.4.1.C. and 10.2.9. of the Unified Development Ordinance in order to allow a Day Care Center with up to 16 enrollees on a .48 acre site zoned Residential-6 and located at 4206 St. James Church Road.

Decision: Approved as requested.

A-19-17, WHEREAS, David Point and David Jones, property owners, request a 4' variance to the minimum lot width requirements of the South Park Neighborhood Conservation Overlay District set forth in Section 5.4.3.F.15.c. of the Unified Development Ordinance so that a lot can be subdivided such that two 36' wide lots result that are zoned Residential-10 and Neighborhood Conservation Overlay District and located at 915 S. Person Street.

Decision: Approved as requested.

A-20-17, WHEREAS, Raymond Carroll, property owner, requests both a 3' side and rear yard setback variance pursuant to section 2.2.1.C of the Unified Development Ordinance to construct a detached garage accessory structure that results in a 2' side and rear setback on a .17 acre parcel zoned Residential-6 and Neighborhood Conservation Overlay District (Mordecai) and located at 1207 Wake Forest Road.

Decision: Approved a 3 foot rear yard setback variance and a 1 foot side yard setback variance.

A-21-17, WHEREAS, Megan and Paul Tuorto, property owners, request a 1.93' side setback variance to allow for an addition to the detached house pursuant to Section 2.2.1. of the Unified Development Ordinance resulting in a 3.07' side yard setback on a .06 acre property zoned Residential Mixed- Use-3 and located at 513 Rosengarten Alley.

Decision: Approved as requested.

A-22-17, WHEREAS, Nathanael Mullins property owner, requests a 2.9' side yard setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance to add a second story with a third level roof deck onto the existing detached house resulting in a 2.1' side yard setback on a .12 acre property zoned Residential-10 and located at 626 Dorothea Drive.

Decision: Approved as requested.

A-23-17, WHEREAS, Laurie and Jeffrey Barnhart, property owners, request a 4' side street setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance resulting in a 6' side street setback on a .25 acre property zoned Residential-6 and located at 2516 Winterbury Court.

Decision: Approved as requested.

A-24-17, WHEREAS, Jerry Gower Construction Company, property owner, requests a special use permit pursuant to Sections 6.4.1.C. and 10.2.9. of the Unified Development Ordinance in order to allow a Day Care Center with up to 250 enrollees on a 5.69 acre site zoned Residential-6 Conditional Use and located at 4215 Whitfield Road.

Decision: Deferred to the Board's March 13, 2017 meeting.

A-25-17, WHEREAS, Chamberlain Group, LLC, property owner, requests both a 3.5' height variance to the maximum height standards as well as a 5.07' variance from the front yard setback set forth in Section 5.4.3.F.12.f. of the Unified Development Ordinance for the Oberlin Village Neighborhood Conservation Overlay District to permit a detached house that results in a 28.5' tall detached house with a 24' front yard setback on a .15 acre parcel zoned Residential-10, Neighborhood Conservation Overlay District and Special Residential Parking Overlay District located at 505 Chamberlain Street.

Decision: Request for front yard variance was withdrawn. Height variance is approved as requested.

A-26-17, WHEREAS, Chamberlain Group, LLC, property owner, requests both a 3.5' height variance to the maximum height standards as well as a 5.07' variance from the front yard setback set forth in Section 5.4.3.F.12.f. of the Unified Development Ordinance for the Oberlin Village Neighborhood Conservation Overlay District to permit a detached house that results in a 28.5' tall detached house with a 24' front yard setback on a .15 acre parcel zoned Residential-10, Neighborhood Conservation Overlay District and Special Residential Parking Overlay District located at 507 Chamberlain Street.

Decision: Request for front yard variance was withdrawn. Height variance is approved as requested.

A-27-17, WHEREAS, Joyce G. Parker, adjacent property owner, requests an appeal in the nature of a declaratory judgment as to whether or not the properties located at 5207 and 5211 Coronado Drive shown on a recombination map recorded December 17, 2015 were subdivided in compliance with the provisions of the Raleigh Unified Development Ordinance.

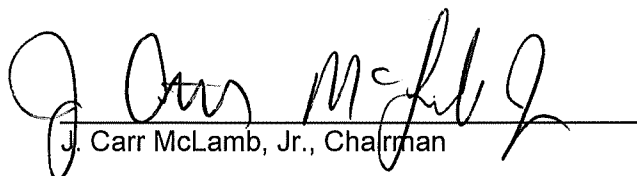
Decision: Motions to dismiss were granted.

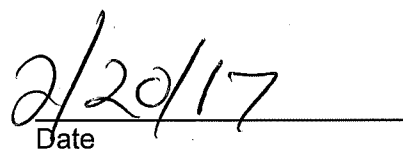
A-28-17, WHEREAS, Campbell Law School, tenant, requests an appeal of a Raleigh Historic Development Commission decision, case 164-16-CA, which denied a Certificate of Appropriateness for a 42" tall by 40" wide ground sign on a .35 acre parcel containing a historic landmark in the Capitol Square Historic Overlay District zoned Downtown Mixed-use-3-Detached and General Historic Overlay District located at 11 S. Blount Street.

Decision: Upheld the Raleigh Historic Development Commission's decision.

A-29-17, WHEREAS, The Schnider Group, LLC, adjacent property owner, requests an appeal of the Official Zoning Code Interpretation (UI-7-16), which is an administrative determination that the Hand of Hope Pregnancy Resource Center is classified as a civic use, as defined in the Raleigh Unified Development Ordinance, and therefore allowed as a Limited Use on its one acre property zoned Residential-4 and Special Highway Overlay District-2 located at 1522 Jones Franklin Road.

Decision: Reversed the Interpretation of the Official Zoning Code (UI-7-16).


J. Carr McLamb, Jr., Chairman


Date